

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8775 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

AMBALAL U PATEL

Versus

STATE OF GUJARAT

Appearance:

MS PARUL R PATEL for Petitioner
MR VM PANCHOLI ADDL.GOVERNMENT PLEADER
for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/07/1999

ORAL JUDGEMENT

Heard Ms. Patel, learned counsel for the
petitioner and Mr. V.M.Pancholi, learned AGP for the
respondents.

2. The petitioner has challenged the notice dt.
5/3/1990 issued by the respondent no.2 under Sec. 10(3)
of the Urban Land (Ceiling & Regulation) Act, 1976. This

court, while admitting the petition, had granted ad-interim relief on 7/2/1991 and confirmed the same on 11/3/1991. The authorities have not taken possession of the land in question from the petitioner, which fact is not in dispute in view of the instructions received by the learned AGP from the Section Officer of the Revenue Department.

3. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

4. The petition is accordingly disposed of as having abated. There shall be no order as to costs.

Date: 7/7/1999 -----
(ccshah)